

Regular Meeting of November 9, 2010

REGULAR MEETING – CALL TO ORDER 7:36 P.M.

ROLL CALL

COUNCILMEMBERS PRESENT: Feierbach, Warden, Lieberman, Wozniak, Braunstein

COUNCILMEMBERS ABSENT: None

Staff Present: City Manager Scoles, City Attorney Zafferano, Finance Director Fil, Human Resources Director Dino, Police Chief Mattei, Community Development Director de Melo, Parks and Recreation Director Gervais, Chief Building Official Nolfi, City Treasurer Violet, City Clerk Cook.

SPECIAL PRESENTATIONS

Proclamation Declaring November 2010 as National Family Caregivers Month

Mayor Wozniak noted that the Proclamation gives recognition to those who provide care for ill and injured family members.

PUBLIC COMMENTS AND ANNOUNCEMENTS

Victoria Strelnikova/Drew Durham, Notre Dame de Namur students, described the annual Thanksgiving picnic held in Golden Gate Park on Thanksgiving Day. They noted that through their efforts with the Dorothy Stang Center for Justice at the University, the students provide outreach to the homeless in the park. They requested assistance with food donations and food preparation.

John Violet, Friends of the Belmont Library, highlighted events sponsored by the Friends. He also outlined the open hours of the Book Nook.

COUNCIL MEMBER COMMENTS AND ANNOUNCEMENTS

Mayor Wozniak stated that City Hall would be closed on November 11th in observance of the Veteran's Day Holiday. She announced the upcoming Craft Faire to be held the weekend of November 20th. She noted that at the next meeting, the City Council would be selecting a new Mayor and Vice Mayor. She explained that new trash cans were being delivered in advance of the new solid waste program which begins in January. She announced a rental opportunity for qualified tenants for the Emmett House.

AGENDA AMENDMENTS

Mayor Wozniak noted that the old business item would be considered immediately following the consent calendar.

CONSENT CALENDAR

Approval of Minutes of Special and Regular Meeting of October 26, 2010

Motion to Accept Monthly Financial Reports

Approval of Resolution 10293 Requesting an Extension of Environmental Enhancement and Mitigation (EEM) Program Funds for the U.S. Highway 101 Pedestrian/Bicycle Bridge Project, City Contract Number 433

Approval of Resolution 10294 Authorizing a Purchase Order for Fuel from Valley Oil for an Amount not to exceed \$25,000

Approval of Resolution 19295 Accepting a "Click it or Ticket" Mini-Grant From the Business, Transportation and Housing Agency Through the Office of Traffic Safety in the Amount of \$1,864.08

ACTION: On a motion by Councilmember Warden, seconded by Councilmember Feierbach, the Consent Agenda was unanimously approved by a show of hands.

OLD BUSINESS (Item considered out of order on agenda)

Consideration of an Appeal of the Planning Commission Decision Approving a Conditional Use Permit Amendment for the Koret Athletic Field for Notre Dame De Namur University (NDNU) At 1500 Ralston Avenue (Continued from October 26, 2010)

Councilmember Lieberman stated that because he lives within 300 feet of the Notre Dame de Namur University (NDNU) property, he would need to recuse himself from this matter. He stepped off the dais and out of the room.

City Attorney Zafferano explained that the remaining City Councilmembers are required to disclose any ex parte contacts they have had since the appeal was filed.

Councilmember Warden stated that he spoke to two neighbors who are also co-appellants. He noted that he also spoke to Councilmember Braunstein when he saw him in the neighborhood.

Councilmember Braunstein stated that he toured the affected neighborhood and visited some backyards. He also spoke with representatives from some of the sports organizations. He discussed the issue with Planning Commissioners, as well as some of the co-appellants.

Councilmember Feierbach stated that in addition to answering emails received regarding this matter, she spoke with several of the co-appellants as well as two Planning Commissioners.

Mayor Wozniak listed the co-appellants with whom she conversed regarding this issue, as well as representatives from the sports organizations and NDNU staff. She stated she responded to emails as well.

Mayor Wozniak noted that the Public Hearing has been closed in this matter, and no additional public comments will be received. She expressed concern regarding the City Council's ability to make a decision tonight, as many questions have been posed, and there has not been enough time to review the responses. She stated that it is important to make the best decision on this issue.

Councilmember Feierbach stated that this is a decision that could have legal consequences. She requested a closed session regarding this matter. She was unaware of the requirement to disclose ex parte contacts. She expressed a desire to make a decision that will work for everyone.

Mayor Wozniak outlined the options available to the City Council on this matter. She noted that considerable information has been presented. She commented that it is an important and difficult issue.

Councilmember Warden stated that the CEQA (California Environmental Quality Act) issue still needs to be determined. If a CEQA review is required, the matter would need to be sent back to the Planning Commission.

Councilmember Braunstein stated that the City Council owes it to the community to determine when they will expect to hear the City Council deliberate on any matter, and that they expect a decision. He noted that this matter involves a number of stakeholders.

Discussion ensued regarding procedural issues.

Councilmember Feierbach stated that she has spent considerable time preparing for this issue. She recommended continuing this matter to allow for a cooling off period.

Community Development Director de Melo suggested scheduling a closed session at November 23rd City Council meeting, and continuing the public discussion to the Council Meeting of December 14th. City Clerk Cook noted that although it would not be required, staff could notify all the public speakers once the new date is confirmed.

ACTION: On a motion by Councilmember Braunstein, seconded by Councilmember Feierbach, and unanimously approved by roll call vote of 4-0 (Lieberman recused) to continue this matter to a closed session on November 23, and to continue the public discussion tentatively to December 14, 2010.

RECESS: 8:25 P.M.

RECONVENE: 8:35 P.M. (at which time Councilmember Warden left the meeting)

NEW BUSINESS (item taken out of order on agenda)

Discussion and Direction Regarding Scope of Work for Ordinance Regulating Large Family Daycare Regulations

Community Development Director de Melo provided information regarding the State of California's regulations on large family day care establishments. He discussed the proposed scope of work on developing a new local ordinance to address these facilities. He noted that since the scope of work exceeds the City Council's threshold for new projects, Council would need to give direction on what projects would be put on hold should there be a desire to pursue this issue before the next priority calendar cycle.

Councilmember Feierbach expressed support with moving forward with this matter. She noted that complaints have been received, and the State's regulations are not restrictive. There is a need to consider the neighborhood.

Councilmember Lieberman stated that this is an opportunity to regulate family day care in a consistent manner. He noted that other cities have guidelines and best practices that could be borrowed. He concurred with the need to outreach to day care providers on this matter. He expressed support in pursuing this issue at this time.

Councilmember Braunstein expressed concern regarding the backlog of items being handled by staff, and requested information as to what matters would be placed on hold should this issue be pursued at this time. He noted that several staff members have been dual roles over the past several months, and he exercised caution in adding too many special projects. He stated that other items keep getting pushed aside.

Discussion ensued regarding the priority calendar process.

Councilmember Lieberman noted that this issue has been on the table for several years, and is just now getting traction. He stated that this issue is likely to take less than the estimated 100 hours.

ACTION: Councilmember Lieberman made a motion, seconded by Councilmember Feierbach, to move forward with this matter immediately. Motion died on a vote of 2-2 (Lieberman/Feierbach yes, Braunstein/Wozniak no, Warden absent).

ACTION: On a motion by Councilmember Feierbach, seconded by Councilmember Braunstein, and unanimously approved by a show of hands (4-0, Warden absent) to place this issue on the next priority calendar for consideration.

HEARINGS

Public Hearing to Adopt the 2010 Edition of the California Building Code

Chief Building Official Nolfi explained that this hearing was the first reading of an ordinance which would adopt the State Building Code. He noted that two components were included: 1) the fire code amendments, and 2) the green building requirements. He noted that reference to the City of San Carlos was removed from the version that the City Council reviewed previously, and that the findings for Belmont's Green Ordinance would be included as findings in the proposed ordinance.

Mayor Wozniak opened the Public Hearing.

Mary Morrissey-Parden, Belmont Chamber of Commerce, recommended placing this information under the Hot Topics section of Belmont's webpage.

Chief Building Official Nolfi clarified that State's Green Building regulations go into effect on January 1, 2011, and the City of Belmont's Green Building ordinance becomes effective in May of 2011. Information is provided at the Permit Center, and outreach will be scheduled.

ACTION: On a motion by Councilmember Feierbach, seconded by Councilmember Braunstein, and unanimously approved by a show of hands (4-0, Warden absent) to introduce an ordinance Adopting the 2010 State Building Code, and to set the second reading and adoption for November 23, 2010.

City Clerk Cook clarified that State regulations require a public hearing for the second reading, so this item will appear as a public hearing on the November 23rd agenda rather than listed under the Consent Calendar.

COMMISSION, COMMITTEE, AND COUNCIL INTERGOVERNMENTAL ASSIGNMENT UPDATES, AND STAFF ITEMS

Update on High Speed Rail

Community Development Director de Melo requested that the City Council confirm the slate of candidates for the High Speed Rail Ad Hoc Committee as presented. He noted that the Environmental Impact Report (EIR) is to be released at the end of December. He explained that staff is still researching options on how to provide a visual demonstration of the proposed height of an elevated structure in Belmont.

ACTION: On a motion by Councilmember Lieberman, seconded by Councilmember Braunstein, and unanimously approved by a show of hands to confirm the membership of the High Speed Rail Ad Hoc Committee as proposed.

Community Development Director de Melo stated that the City received a copy of a letter from Sam Trans to the High Speed Rail Authority requesting that the Authority maintain all alignment options and to do the project right. He also highlighted the letter from Mayor Wozniak to other local elected officials.

Mayor Wozniak outlined the discussion at the recent Peninsula Cities Consortium (PCC) meeting. She stated that the High Speed Rail Authority is not likely to fund the Peninsula portion of the project first, that other segments will be funded earlier.

Councilmember Feierbach outlined the recent rally that was held in the City of Burlingame.

ADJOURNMENT at this time, being 9:00 P.M.

**Terri Cook
City Clerk**

Meeting Tape Recorded and Videotaped
Audio Recording 774